5100108/2021/VIG-I-REV01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Prohibition & Excise Department – Allegation of Criminal Misconduct and Criminal Conspiracy against Sri J. Hari, the then Prohibition and Excise Inspector, Nandigama, Krishna District and now retired for his involvement in Liquor Syndicate Case – Disciplinary action initiated – Delinquent officer placed on his defence before the Tribunal for Disciplinary proceedings – Orders of Hon'ble High Court dated 08.03.2021 in W.P. No. 5455/2021 – Implemented – orders – Issued.

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REVENUE (VIGILANCE.I) DEPARTMENT

G.O.Rt.No.666

Dated:21.10.2021
Read the following:-

1. From the D.G., ACB, Lr.Rc.No.57/RCO-VKI/2012, Dt:06.11.2012.
2. Govt.Memo.No.49988/Vig.V(2)/2012-1, Dated:16.01.2013.
3. Orders dt:23.01.2020 of the Hon'ble High Court in W.P.No.1280 of 2020 filed by Sri J. Hari, the then Prohibition and Excise Inspector, Nandigama, Krishna District and now retired.
4. G.O.Rt.No.101, Revenue (Vig.IV) Department, dated 02.03.2021.
5. Orders dt:08.03.2021 of the Hon'ble High Court in W.P.No.5455 of 2021 filed by Sri J. Hari, the then Prohibition and Excise Inspector, Nandigama, Krishna District and now retired.

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ORDER:-

Whereas, it was brought to the notice of the Government that Sri J. Hari, the then Prohibition and Excise Inspector, Nandigama, Krishna District and now retired, while he was in service involved in a disciplinary cases pertaining to liquor syndicate case of Krishna District among the other Prohibition & Excise officials. After conducting detailed enquiry, the Director General, Anti Corruption Bureau in his final report Dt.06.11.2012 recommended to place Sri J. Hari on his defense before Tribunal for Disciplinary Proceedings (TDP) along with other Prohibition & Excise officials.

2. After careful examination of the recommendations of the D.G., ACB, Government have taken a decision to entrust the case to the Tribunal for Disciplinarl Proceedings (TDP) including that Sri J. Hari, the then Prohibition and Excise Inspector, Nandigama, Krishna District and now retired, vide Govt. Memo 2nd read above. Further Part-B Notes duly signed by the competent authority were sent to the TDP for regular Inquiry along with other prohibition and Excise Officials vide Govt. Memo dated:17.06.2013. Charge memo was issued by the Tribunal for Disciplinary Proceedings vide Tribunal Enquiry Case No.86 of 2013, dt. 6.1.2017.

3. Sri J. Hari, the then Prohibition and Excise Inspector, Nandigama, Krishna District and now retired has filed Writ Petition No.1280/2020 before the Hon'ble

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High Court with prayer to set aside the above said charge memo and requested for pensionary benefits. The Hon'ble High Court of Andhra Pradesh has passed the following orders on 23.01.2020 in the above Writ Petition:-

> "In view of clear pronouncement of law on the subject by the Hon'ble Supreme Court of India as has been followed by the Division Bench of this Court and other single Judges of this Court, this Court is of the opinion that the Writ Petition itself can be disposed of giving three (3) months time to the respondents to complete the proceedings in all respects from the date of receipt of copy of this order. The respondents are at liberty to conclude the proceedings strictly in accordance with law and as per the relevant rules and regulations. It is made clear that if the proceedings are not concluded within the said period, the Charge Memo vide Tribunal Enquiry Case No.86 of 2013, dated 06.01.2017 issued against the petitioner, shall stand automatically quashed."

4. Sri J. Hari, the then Prohibition and Excise Inspector, Nandigama, Krishna District and now retired has also filed W.P.No.5455/2021 to declare the action of the Respondents in withholding the Retirement benefits in the absence of any valid disciplinary proceedings as the Charge memo issued to him have been set aside by the Hon'ble High Court in W.P.No.1280 of 2020 on 23.01.2020 as illegal, arbitrary and discriminatory and consequently direct the respondents to release all the pensionary benefits namely Full Pension, Retirement Gratuity, and Encashment of Earned Leave and other benefits together with 12% interest from the date of retirement. The Hon'ble High Court, in its orders dt:08.03.2021, in W.P.No.5455/2021, while observing that the Court is satisfied that the grievance raised by the petitioner in the present WP and the facts of the case in W.P.No.870 of 2021 are one and the same, has allowed the WP No.5455/2021 in terms of the order passed on 29.01.2021 in W.P.No.870/2021.

5. Sri J. Hari, the then Prohibition and Excise Inspector, Nandigama, Krishna District and now retired has filed C.C.No.1720/2021 for not implementing the orders of learned single Judge passed in W.P. No.5455 of 2021.

6. In the G.O. 4th read above, Sri J. Hari, the then Prohibition and Excise Inspector, Nandigama, Krishna District and now retired, was sanctioned provisional pension @ 75% of normal pension entitled to him under Rule 52 of Andhra Pradesh Revised Pension Rules, 1980 pending finalization of disciplinary proceedings initiated against him.

7. Government, after careful examination of the matter, and in compliance with the orders dated:08.03.2021 in W.P.No.5455 of 2021 of the Hon'ble High Court of A.P hereby accord sanction to fix the pension payable to petitioner and pay the retirement benefits such as full pension, retirement gratuity, encashment of earned leave and other benefits to Sri J. Hari, the then Prohibition and Excise Inspector, Nandigama, Krishna District and now retired and interest with 12% from the date they become due till date of payment, subject to outcome of the Writ Appeal to be filed before the Hon'ble High Court of Andhra Pradesh.

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8. The Commissioner of Prohibition and Excise shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. RAJAT BHARGAVA
SPECIAL CHEIF SECRETARY TO GOVERNMENT

To
Sri J. Hari, the then Prohibition and Excise Inspector, Nandigama, Krishna District and now retired through Commissioner, Prohibition and Excise, Andhra Pradesh, Vijayawada.
The Commissioner of Prohibition and Excise, Andhra Pradesh, Vijayawada.
Copy to:
The Director General, Anti-Corruption Bureau, Andhra Pradesh, Vijayawada.
The Secretary to Andhra Pradesh Vigilance Commission, Andhra Pradesh Secretariat, Velagapudi.
The Secretary, Tribunal for Disciplinary proceedings, A.P., Nampally, Hyderabad.
The Principal Accountant General (A&E), A.P., Vijayawada.
The Government Pleader for Services - I, Andhra Pradesh High Court, Amaravati. w.r.t. C.C.No.1720/2021.
The Director of Treasuries and Accounts, Andhra Pradesh, Vijayawada.
Sf/Sc.

//FORWARDED:: BY ORDER//

SECTION OFFICER